

DEPARTMENT OF DEVELOPMENTAL SERVICES

1600 NINTH STREET, Room 340, MS 3-24
SACRAMENTO, CA 95814
TDD 654-2054 (For the Hearing Impaired)
(916) 654-2716



June 30, 2010

Mr. Larry Ringer
Associate Division Director, MSIP
U.S. Department of Education
7100 Old Landover Road
Landover, MD 20785-1506

Dear Mr. Ringer:

The State of California acknowledges receipt of the Office of Special Education Programs' (OSEP) memorandum dated June 30, 2010, regarding California's Federal Fiscal Year (FFY) 2010 grant application under Part C of the Individuals with Disabilities Education Act (IDEA, Part C). OSEP identified three issues in a teleconference and memoranda dated June 29, 2010, and June 30, 2010, requiring additional action in order to make California's application fully consistent with IDEA, Part C requirements.

Thank you for the clarifying teleconference call we had on June 29, 2010, regarding California's amendment of the California Early Intervention Services Act (Government code section 95004). California will continue to require families to use their private insurance or health care service plan for medical services identified in the Individualized Family Service Plan, in compliance with applicable federal and state law and regulation. California will continue its practice of requiring written parental consent prior to the regional centers disclosing any personally identifiable information to third party, including a private insurer. Additionally, regional centers must continue to ensure the timely provision of required early intervention services.

As California's Lead Agency, the Department of Developmental Services (DDS) hereby specifically assures that it shall:

1. Submit to OSEP by February 28, 2011, its revised California Code of Regulations §§52170, 52172, and 52173 to address the items in OSEP's June 29 and June 30, 2010, Memoranda (regarding the mediation and complaint requirements in IDEA sections 615(e)(1), 639(a)(8) and applicable regulations in 34 CFR §§303.419, 303.510 through 303.512);

"Building Partnerships, Supporting Choices"

Mr. Larry Ringer
June 30, 2010
Page two

2. Submit to OSEP by February 28, 2011, a written assurance that the State has revised all documents referenced in OSEP's June 29 and June 30, 2010, memoranda including to address the items referenced in that memorandum and analysis to be consistent with the mediation and complaint requirements in IDEA sections 615(e)(1), 639(a)(8), and applicable regulations in 34 CFR §§303.419, 303.510 through 303.512;
3. Submit to OSEP by August 31, 2010, a memorandum that informs all DDS Part C staff, parents, and early intervention service programs and providers of the requirements of OSEP's June 29 and June 30, 2010, memoranda (including the requirements in IDEA sections 615(e)(1), 639(a)(8) and 34 CFR §§303.402, 303.419, 303.460, 303.510 through 303.512); and
4. Ensure that the statewide system of early intervention required by IDEA Part C in 20 U.S.C. 1431 through 1444, including IDEA sections 615(e)(1), 639(a)(8) and applicable regulations in 34 CFR Part 303 (including 34 CFR §§303.402, 303.419, 303.460, 303.510 through 303.512 will be in effect throughout the FFY 2010 grant period.

If you have any questions or concerns, please contact Rick Ingraham, Manager, Children and Family Services Branch at (916) 654-2205.

Sincerely,

Original signed by

JULIA MULLEN, Deputy Director
Community Services and Support Division

cc: Ruth Ryder, Division Director, OSEP
Rhonda Spence, OSEP